

mained there, and there had been no power to appeal to the Privy Council, then we should not have been troubled with this question, and I suppose that is what the hon. gentleman would like to have at the present moment, as it would relieve himself and his party of the same difficulty that presented itself to those who are governing the country. The Privy Council having decided that the grievance existed, then was the time for action to be taken and to carry out the ideas that were advanced by the Right Honourable Sir John Macdonald to which my hon. friend has referred. The hon. gentleman laid down this principle, that though the different courts of the Empire might give a decision upon an important question of this kind, whatever that decision might be, it did not divest the executive for the time being of the responsibility which attached to a responsible government. The moment that question came up, then the advisers of His Excellency in this country pursued the course that Sir John Macdonald indicated they should pursue, and that was to take action and endeavour to remedy the grievance which the highest court in the realm declared to exist. So that I cannot myself understand what logical deduction the hon. gentleman desires the Senate to draw from the position that he has taken, unless it be that the very moment the law was passed the Dominion government should have disallowed it at once.

Hon. Mr. SCOTT—They could refer it to the Supreme Court and they could disallow afterwards.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman says that we should have referred it to the Supreme Court at once. I do not so understand the law, neither do I so understand the duty of the government of the day. There is no reason why a question of that kind should be referred to the Supreme Court, until it reached there through the regular process. I was about entering into a history of this case, but I think the Senate understands it just as well as I do, and therefore I shall not pursue the argument that was suggested by the remark of the hon. gentleman. The government and the opposition I believe both agree upon this very important point, that the Dominion government should interfere as little as possible with provincial

autonomy; and it is only when the provincial governments infringe upon the rights of minorities, which are protected by the constitution, or when they exceed their power, that the Dominion government would be justified in interfering in any way. I lay that down as a broad proposition and believe that it is concurred in by most of those who have given the question the slightest attention. I desire to say that I object in toto to that remark which is constantly made by the hon. gentleman, and those who follow him in the country, as to "coercing" Manitoba. To prevent a province from exceeding its power and taking from a minority a right which they possess, and to ask the province, or compel 'em, to restore those rights under the constitution, is not coercion. If they are permitted to infringe in one particular, they may in another, and the very reason for placing the two different clauses in the constitution of the country was to prevent a province from exceeding the powers with which they are vested by that constitution, and it is not coercion to say to a man who trespasses on your land that he must cease trespassing at the earliest possible moment. Neither is it coercion to say to a province, "You have exceeded the powers vested in you by the constitution, and you must repeal that which you have done, or you must restore the rights which you had no right to take away from those who enjoyed them."

Hon. Mr. BOULTON—They have not exceeded their powers.

Hon. Sir MACKENZIE BOWELL—I am not going to discuss that question now; I am stating the general principle. Whether they have exceeded their powers or not, is a question which my hon. friend and myself can discuss when the matter comes before the Senate, with a view to restoring the rights which I believe have been taken from the minority, and having taken from them that which the constitution says they were entitled to by right, they acted in excess of their powers. I have no desire to discuss this question longer. I agree with my hon. friend, however, and most sincerely, that it is very unfortunate that questions of this kind, which appeal to the prejudices rather than to the good judgment of the people, should be brought within the purview of the Dominion legislation or Dominion politics,